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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Continued Prosecution Application of:

Goto, et al.

Appl. No.: 09/338,063

Filed: June 23, 1999

For: Novel Proteins and Methods for

Producing the Proteins

Art Unit: 1644

Examiner: Ewoldt, G.

Atty. Docket: 16991.005

Commissioner for Patents Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

I, Watanabe, am in a position to verify that hybridomas A1G5, D2F4, and E3H8, which were deposited on February 5, 2001 as Accession Nos. FERM BP-7441, FERM BP-7442, and FERM BP-7443, respectively, in the National Institute of Bioscience and Human—Technology National Institute of Advanced Industrial Science and Technology, will be maintained in a public depository for a term of at least 30 years and at least five years after the most recent request for the furnishing of a sample of the deposit is received by the depository. In any case, samples will be stored under agreements that would make them available beyond the enforceable life of any patent issuing from the above-referenced application.

August	9,	2002
Date		

Sig	gnatur	e

Tohru Watanabe

Tehry/Datenab

Name:

Title:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):

Goto et al.

SERIAL NO.:

09/338,063

GROUP NO.:

1644

FILING DATE:

June 23, 1999

EXAMINER:

Ewoldt, G.

TTTLE:

NOVEL PROTEINS AND METHODS FOR PRODUCING THE

PROTEINS

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

STATEMENT ON THE AVAILABILITY OF DEPOSITED MATERIAL

	and Nava amin	a position to verify that all restrictions
I, HITOE	shi Niki am in	public of hybridomas, A1G5, D2F4, and
imposed by the dep	positor on the availability to me	Accession Nos FERM BP-7441, FERM
E38H, which were	deposited on February 5, 2001	as Accession Nos. FERM BP-7441, FERM
	as no 9442 respectively, in the	Wallough Imprinate of Diogental
Technology Nation	nal Institute of Advanced Indust	rial Science and Technology, will be
t comology 1 tation	ed upon granting of a patent on	the instant application.
irrevocably remove	an thom brances or a t	

Name: Hiroshi Niki, Ph.D.

Title: Managing Director

2044216

(Translation)

INTERNATIONAL FORK

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT

issued pursuant to Rule 7.1 by the INTERNATIONAL DEPOSITARY AUTHORITY identified at the bottom of this page.

TO DEPOSITOR:

Name:

Research Institute of Life Science Snow Brand Milk Products Co., Ltd.

General Manager: Syozo OBA

Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,

Ishibashi-Cho, Shimotsuga-gun, Tochigi-ken,

329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given

Acession Number:

by the Depositor:

PERM BP-7441

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied by a document stating the following item(s).

A Scientific Property

Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER

This authority received the microorganism identified under I above on the Budapest Treaty on

V. INTERNATIONAL DEPOSITARY AUTHORITY

Name:

Natinal Institute of Bioscience and Human-Technology Natinal Institute of Advanced Industrial Scienceand Technology

Representative: Ohashi Shinichi (Sealed) Dr. Ohashi Shinichi, DIRECTOR GENERAL

Address: 1-3. Higashi 1-chome, Tsukuba-shi, Ibaraki-ken

305-8566. JAPAN

Date: February 5, 2001

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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TO DEPOSITOR:

Name:

Research Institute of Life Science Snow Brand Milk Products Co., Ltd.

General Manager: Syozo OBA

Address: 519 Aza Hanabayashi, Ohaza Shimoishibashi,

Ishibashi-Cho. Shimotsuga-gun, Tochigi-ken,

329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given

Acession Number:

by the Depositor: D2F4

FERM BP-7442

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

The microorganism identified under I above was accompanied by a document stating the following item(s).

A Scientific Property

Taxonomic position

III. RECEIPT AND ACCEPTANCE

This authority accepts the microorganism identified under I above, which was received on February 5, 2001.

IV. RECEIPT OF TRANSFER This authority received the microorganism identified under I and transfer of the deposit based on above on ::• 3 · • · · the Budapest Treaty on

V. INTERNATIONAL DEPOSITARY AUTHORITY

Natinal Institute of Bioscience and Human-Technology Natinal Institute of Advanced Industrial Scienceand Name: Technology

Representative: Ohashi Shinichi (Sealed) Dr. Ohashi Shinichi . DIRECTOR GENERAL

Address: 1-3, Rigashi 1-chome, Tsukuba-shi, Ibaraki-ken 305-8566. JAPAN

Date: February 5, 2001

INTERNATIONAL FORM

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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329-05, JAPAN

I. IDENTIFICATION OF MICROORGANISM

Identification Reference Given

Acession Number:

by the Depositor:

FERM BP-7443

II. A SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC POSITION

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Representative: Ohashi Shinichi (Sealed)

Dr. Ohashi Shinichi, DIRECTOR GENERAL

Address: 1-3. Higashi 1-chome, Tsukuba-shi, Ibaraki-ken

305-8566. JAPAN

Date: February 5, 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APPL	icani.	(J).

Goto et al.

SERIAL NO .:

09/338,063

GROUP NO.:

1644

FILING DATE:

June 23, 1999

EXAMINER:

Ewoldt, G.

TITLE:

NOVEL PROTEINS AND METHODS FOR PRODUCING THE

PROTEINS

Assistant Commissioner for Patents Washington, D.C. 20231

Sir:

CORROBORATION OF BIOLOGICAL DEPOSIT UNDER MPEP \$2406.02

	am in a position to corroborate that the
L Syozo Oba	and E38H which was deposited on February 5, 2001 as
biological material, A1G5, D2F4,	FERM BP-7442, and FERM BP-7443, respectively, in the
Accession Nos. FERM BP-7441,	Technology National Institute of Advanced
National Institute of Bioscience at	ad Human-Technology National Institute of Advanced
Industrial Science and Technolog	y is the biological material specifically identified in the above-
referenced patent application.	

Name: Syozo Oba Tide: General Manager Research Institute of Life Science

Snow Brand Milk Products Co., Ltd.

2044216